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7 April 1977

MEMORANDUM FOR: Admiral Turner

SUBJECT : Correspondence Pending with the
White House and Cabinet Officers

1. Admiral Turner's 5 April memorandum to the Attorney General requesting clarification of the Attorney General's authority to approve certain warrantless physical searches pursuant to the procedures issued by former Attorney General Levi, implementing section 5(b)(3) of E.O. 11905 (Tab A).

NOTE: OGC advises that they have not received any word to date.

2. Admiral Turner's 28 March memorandum to the Director, Office of Management and Budget stating that the Policy Review Committee (Intelligence) urges that no further reduction in civilian personnel be imposed on NFIP agencies (Tab B). NOTE: IC Staff advises that Mr. Cutler, Assistant Director, Budget, is reviewing the request.

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5. Mr. Knoche's 2 March memorandum to the Director, Office of Management and Budget, urging the reworking of a draft Executive Order which would force all senior Agency employees to submit detailed financial statements to the Civil Service Commission and that the order not go forward for the President's signature without consideration of its implications for the Agency and the Intelligence Community (Tab E). NOTE: OGC advises redraft of proposed E. O. has not been circulated to date.

6. Mr. Knoche's 1 March memorandum to the Secretary of Defense proposing that DoD and Agency specialists cooperate to work out the details for responding to the SecDef's request for a comparative analysis of NATO and Warsaw Pact defense spending (Tab F). NOTE: OSR advises that agreement has not been reached within DoD on whether to request the longer term comparative analysis given the analytic costs.

7. Mr. Knoche's 25 February memorandum to the Attorney General requesting the endorsement by the DoJ of the introduction of legislation to protect intelligence sources and methods from unauthorized disclosure (Tab G). NOTE: OGC advises that the Attorney General's subcommittee, as called for in PRM 11, is considering such a legislative proposal but has been concentrating this week on the problems of the electronic surveillance legislative proposal.

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Deputy Executive Secretary

Attachments

cc: DDCI
ER

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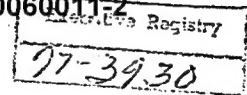
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Washington, D. C. 20505

5 April 1977

The Honorable Griffin B. Bell
Attorney General
Department of Justice
Washington, D. C. 20530

Dear Griffin:

This letter requests clarification of your authority to approve certain warrantless physical searches pursuant to the procedures issued by former Attorney General Levi, implementing Section 5(b)(3) of Executive Order 11905.

As you know, Section 5(b)(3) prohibits foreign intelligence agencies, including CIA, from conducting (1) unconsented physical searches in the United States or (2) unconsented physical searches directed against U. S. persons abroad, except lawful searches pursuant to procedures issued by the Attorney General. Mr. Levi in fact issued such procedures, on an interim basis on February 28, 1976, and in final form on October 19, 1976. The final procedures limit CIA's authority to conduct unconsented physical searches to situations in which (1) there are reasonable grounds to believe that a U. S. person abroad is an agent of a foreign power or foreign terrorist group, and (2) the DCI secures the prior approval of the Attorney General or, in an emergency requiring immediate action, the Attorney General is promptly notified of the circumstances surrounding the search and its authorization. The introductory memorandum that accompanied Mr. Levi's letter of October 19 explained that in the opinion of the Department of Justice unconsented physical searches conducted pursuant to these procedures would be lawful.

Despite repeated indications to the contrary, we are now informed that no unconsented physical searches can be undertaken pursuant to the final procedures issued by Mr. Levi absent a further delegation from the President, over and above Executive Order 11905 itself, authorizing you to approve such searches. I would appreciate your prompt clarification of that point and, assuming there is a legal need for a further delegation of authority from the President, your recommendation as to whether and when such a delegation might be obtained.

Yours,

A handwritten signature in dark ink, appearing to read "Stansfield Turner".

STANSFIELD TURNER
Admiral, U. S. Navy

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